

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Wurtzel	Team: Squad #6	CCRB Case #: 201801216	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/03/2018 , Sunday, 02/04/2018 1:20 AM	Location of Incident: § 87(2)(b)	Precinct: 84	18 Mo. SOL 8/4/2019	EO SOL 8/4/2019	
Date/Time CV Reported Sun, 02/04/2018 8:10 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/12/2018 11:15 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT William Huang	1344	941918	084 PCT
2. POF Alicia Garcia	00394	959649	019 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Dillan Krasteff	11140	951886	084 PCT
2. POM Robert Marachilian	23462	962571	084 PCT
3. POM Alberto Cuadrado	27592	950255	084 PCT
4. POM Steven Nieves	23976	950954	084 PCT
5. DTS Reynaldo Gonzalez	7198	923898	084 PCT
6. POM Nicholas Skelton	18283	961299	084 PCT
7. POF Diana Perez	04246	957023	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT William Huang	Abuse: Sergeant William Huang forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.SGT William Huang	Force: Sergeant William Huang used physical force against § 87(2)(b)	§ 87(2)(b)
C.POF Alicia Garcia	Abuse: Police Officer Alicia Garcia threatened to arrest § 87(2)(b) over the phone.	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed this complaint with IAB on February 4, 2018, where it received original log number 2018-04772 (**Board Review 01**). On February 12, 2018, this case was referred to the CCRB for investigation. § 87(2)(b) provided video to the investigation but it was determined to be irrelevant to the allegations (**Board Review 02**).

On February 4, 2018, at approximately 1:20 AM, § 87(2)(b) was at home at § 87(2)(b) in Brooklyn when Police Officers Robert Marachilian and Alberto Cuadrado of the 84th Precinct arrived to conduct a wellness check that had been requested by § 87(2)(b) mother, § 87(2)(b). The officers left the apartment after a brief inspection and returned shortly after with Sergeant William Huang of the 84th Precinct and FDNY EMTs § 87(2)(b) and § 87(2)(b). After consulting with an FDNY telemetry doctor, it was determined that § 87(2)(b) needed to be transported to a hospital for a psychiatric evaluation.

Sergeant Huang assisted the FDNY with forcibly removing § 87(2)(b) to § 87(2)(b) for a wellness check (**Allegation A: Abuse of Authority**, § 87(2)(g); **Allegation B: Force**, § 87(2)(g)). § 87(2)(b) was released from § 87(2)(b) and made numerous phone calls to the 19th Precinct – where her mother resides – requesting that they conduct a wellness check on her mother. Later that day, Police Officer Alicia Garcia of the 19th Precinct called § 87(2)(b) and threatened to have her arrested for making false reports (**Allegation C: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was not arrested.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant William Huang forcibly removed § 87(2)(b) to the hospital.

Allegation (B) Force: Sergeant William Huang used physical force against § 87(2)(b)

It is undisputed that Sergeant Huang assisted with the removal of § 87(2)(b) to § 87(2)(b) after § 87(2)(b) called 911 to report that her daughter was suicidal and making threats of violence against her (**Board Review 03**).

While § 87(2)(b) denied making any suicidal comments to her mother, she did state that she was emotionally distraught over the recent death of her father and had been involved in an argument with her mother earlier that evening (**Board Review 04**). § 87(2)(b) cooperated with Police Officers Cuadrado and Marachilian when they first came to her apartment and permitted Sergeant Huang to enter the apartment when he arrived. § 87(2)(b) expressed displeasure that officers were in her apartment but maintained a calm and cooperative demeanor. Sergeant Huang deferred the decision regarding whether § 87(2)(b) would be transported to a hospital to EMTs § 87(2)(b) and § 87(2)(b) who arrived shortly after him.

EMTs § 87(2)(b) and § 87(2)(b) decided to consult with an FDNY telemetry doctor regarding whether it was necessary to transport § 87(2)(b) to a hospital. The doctor determined that § 87(2)(b) needed to be transported to a hospital due to the alleged suicidal comments. § 87(2)(b) was permitted to get changed in her room with only EMT § 87(2)(b) and Sergeant Huang present and with her apartment door slightly ajar so other officers would be able to gain entry if she

resisted. § 87(2)(b) attempted to close the door at this time and Sergeant Huang restrained her and she was placed in handcuffs and transported to § 87(2)(b)

§ 87(2)(b) noted that she observed a cut on her right toe after she had been transported to the hospital. § 87(2)(b) had not been previously aware of the injury and could not account for how she sustained the injury. § 87(2)(b) speculated that she struck her foot on a piece of furniture or an officer stepped on her toe but added that she could not be certain. § 87(2)(b) stated that she was brought to the ground when she was placed in handcuffs. This assertion was denied by Sergeant Huang who physically assisted with the detainment and by the various police officers and EMTs who witnessed the detainment.

EMTs § 87(2)(b) and § 87(2)(b) both confirmed that the decision to transport § 87(2)(b) had been deferred to them on the basis of their medical authority and that they ultimately chose to consult an FDNY telemetry doctor who ordered them to transport § 87(2)(b) **(Board Review 05-06)**.

The 911 Call Log for this incident indicates that § 87(2)(b) called 911 and reported that her daughter was calling her and making threats of violence and suicidal statements **(Board Review 03)**.

Sergeant Huang was the only officer to prepare a TRI for this incident. Sergeant Huang noted that physical force was used to detain § 87(2)(b) and that no injuries were sustained by either party **(Board Review 07)**.

Patrol Guide Procedure 221-13 defines an emotionally disturbed person as “a person who appears to be mentally ill or emotionally deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others,” and states that emotionally disturbed persons must be taken into protective custody **(Board Review 08)**.

Patrol Guide Procedure 216-01 states that officers “shall cooperate with ambulance/hospital personnel in every reasonable manner **(Board Review 09)**. Patrol Guide Procedure 221-01 states that an officer must apply force that is reasonable in scope when detaining a resistant civilian **(Board Review 10)**.

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Allegation (C) Abuse of Authority: Police Officer Alicia Garcia threatened to arrest § 87(2)(b) over the phone.

It is undisputed that Police Officer Garcia threatened to arrest § 87(2)(b) over the phone after responding to a wellness check that § 87(2)(b) had requested for her mother who resides in the 19th Precinct. § 87(2)(b) and Police Officer Garcia were in agreement that § 87(2)(b) has made numerous requests for wellness checks to be conducted for her mother.

§ 87(2)(b) had difficulty recalling the specific time that she called in the wellness check and what specific comments she communicated to the officers who answered her call. § 87(2)(b) stated that she called the 19th Precinct to request the wellness check on her mother because her mother had requested a wellness check on her.

Police Officer Garcia stated that § 87(2)(b) had reported to the 19th Precinct that her mother was suicidal and was threatening to jump off of her apartment building's rooftop. Police Officer Garcia determined during her wellness check that § 87(2)(b) was not suicidal and called § 87(2)(b) to tell her that she could be arrested. Police Officer Garcia stated that the threat of arrest related to § 87(2)(b) filing false reports regarding her mother (**Board Review 11**).

New York State Penal Law Section 240.50 states that a person is guilty of filing false reports when, knowing the information reported, conveyed to be false or baseless, they gratuitously reports to a law enforcement agency an allegedly impending occurrence of an offense or incident which in fact is not about to occur (**Board Review 12**).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- Sergeant Huang has been a member of the NYPD for 11 years and has had three prior CCRB allegations within three cases and no substantiated allegations filed against him. § 87(2)(g) [REDACTED] (**Board Review 14**).
- Police Officer Alicia Garcia has been a member of the NYPD for two years and has had three prior CCRB allegations filed against her within three cases and no substantiated allegations. § 87(2)(g) [REDACTED] (**Board Review 15**).

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation due to § 87(2)(b) personal injury.
- A Notice of Claim inquiry has been sent to the Comptroller's Office of the City of New York. The results of the inquiry will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 6

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date